



RICHARD J. CODEY  
ACTING GOVERNOR

STATE OF NEW JERSEY  
DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR.  
COMMISSIONER

**Merit System Board**

**AGENDA OF REGULAR MEETING OF  
THE MERIT SYSTEM BOARD  
October 19, 2005**

**Rolando Torres, Jr., Chairman  
Flavella Branham  
John Currie  
Margaret E.L. Howard  
Robert Long**

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of Deborah T. Brown  
County of Union  
Runnells Hospital  
Removal

In the Matter of Derrick Clemons  
City of Newark  
Police Department  
Suspension

In the Matter of John Costello  
City of Bayonne  
Fire Protection Department  
Suspension

In the Matter of Paul Denney  
Albert C. Wagner Correctional Facility  
Department of Corrections  
Suspension

In the Matter of James Foster  
County of Camden  
Department of Corrections  
Removal

In the Matter of Camyll Griffin  
Vineland Developmental Center  
Department of Human Services  
Release at the end of the working test period

In the Matter of Joseph Schmidt  
Department of Higher Education  
Reprisal

In the Matter of Holly Walker  
Hunterdon Developmental Center  
Department of Human services  
Removal

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE  
ABOVE CASES – SETTLEMENT**

**ACTION:**

**A-2 ANTONIELLO GAETANO, ET AL**

Antoniello Gaetano, et al, various titles, City of East Orange, Water Department, appeal the good faith of their layoff effective March 15, 2002, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Grant Summary Decision and dismiss the appeals.

**ACTION:**

**A-3 WILLIAM BEUCKMAN, JR.**

William Beuckman, Jr., County Correction Officer, County of Burlington, County Jail, 25-day suspension on charges of incompetency, inefficiency or failure to perform duties, neglect of duty, and violation of various policies and procedures.

Recommendation of the Administrative Law Judge – Modify the 25-day suspension to a 15-day suspension.

**ACTION:**

**A-4 DOUGLAS GOGAN**

Douglas Gogan, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, ten-day suspension on the charge of unauthorized absence.

Recommendation of the Administrative Law Judge – Reverse the ten-day suspension.

**ACTION:**

**A-5 JOSEPH JOYCE**

Joseph Joyce, Painter, Jersey City School District, six-month suspension on the charge of conduct unbecoming a public employee for theft of school property.

Recommendation of the Administrative Law Judge – Uphold the six-month suspension.

**ACTION:**

**A-6 MARTIN KEYNTON**

Martin Keynton, Crew Supervisor Building Repairer, Arthur Brisbane Child Treatment Center, Department of Human Services, ten-day suspension and demotion to the position of Environmental Compliance Investigator 3 effective November 1, 2003, on charges of conduct unbecoming a public employee and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the ten-day suspension and demotion.

**ACTION:**

**A-7 MARY MALONEY (CONSOLIDATION)**

Mary Maloney, Supervising Research Analyst, Department of Human Services, appeals the determination of the Assistant Commissioner for Human Resources, stating that she failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace basis on her ethnicity, religion, and sexual orientation. Ms. Maloney also appeals a 15-day suspension on charges of being absent from work as scheduled without approval, violation of procedures, conduct unbecoming a public employee and insubordination.

Recommendation of the Administrative Law Judge – Dismiss the appeals with prejudice for failure to prosecute.

**ACTION:**

**A-8 GERALD MORRISON**

Gerald Morrison, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, 20-day suspension on charges of leaving an assigned work area without permission creating a danger to persons and insubordination.

Recommendation of the Administrative Law Judge – Uphold the 20-day suspension.

**ACTION;**

**A-9 ANTHONY BAILEY**

Anthony Bailey, County Correction Officer, County of Mercer, Department of Public Safety, removal effective December 18, 2003, on charges of violation of a settlement agreement, violation of County Drug Policy, insubordination, conduct unbecoming an public employee and violation of a policy, procedures and rule.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**A-10 JANICE KEELS**

Janice Keels, Judiciary Clerk 2, Judiciary Passaic Vicinage, removal effective August 11, 2003, on charges of conduct unbecoming a public employee, discrimination that affects equal employment including sexual harassment and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal as untimely.

**ACTION:**

**A-11 EUSTACIO MATIAS**

Eustacio Matias, Senior Correction Officer, Juvenile Justice Commission, Department of Law and Public Safety, removal effective January 23, 2004, on charges of conduct unbecoming a public employee, neglect duty, inappropriate physical contact or mistreatment of an inmate/resident, and failure to report injury, abuse, or accident involving inmate/resident.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**A-12 STEVEN MCKOY**

Steven McKoy, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, removal effective August 6, 2001, on charges of physical abuse of a patient, mistreatment of a patient and violation of a policy or procedure.

Recommendation of the Administrative Law Judge – Reverse the removal.

**ACTION:**

**A-13 NIKKI MORRIS**

Nikki Morris, Clerk Typist, Long Branch City Housing Authority, removal effective September 26, 2003, on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**A-14 WAYNE ROESCH**

Wayne Roesch, Police Officer, City of Jersey City, Police Department, removal effective October 28, 2002, on charges of violations of departmental regulations regarding drug use.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:**

**A-15 DARIN ROYSTER**

Darin Royster, Correction Officer Recruit, Juvenile Justice Commission, Department of Law and Public Safety, removal effective May 7, 2004, on charges of conduct unbecoming a public employee, and violation of rules regarding threatening, intimidating, harassing, coercing or interfering with fellow employees on state property, and racial and/or sexual harassment, discrimination and/or retaliation.

Recommendation of the Administrative Law Judge – Reverse the removal.

**ACTION:**

**A-16 CRAIG VOLIOUS**

Craig Volious, Human Services Technician, Hagedorn Gero-Psychiatric Hospital, Department of Human Services, removal effective September 24, 2002, on the charge of physical or mental abuse of a patient, client, resident or employee.

Recommendation of the Administrative Law Judge – Reverse the removal.

**ACTION:**

**A-17 OMAR THOMPSON**

Omar Thompson, Senior Medical Security Officer, Ann Klein Forensic Center, Department of Human Services, removal effective October 29, 2003, on the charge of physical abuse of a patient. This matter was previously presented to the Merit System Board at its regular meeting of September 7, 2005, but was held over for testimony summary.

Recommendation of the Administrative Law Judge – Reverse the removal.

**ACTION:**

**SECTION B – MISCELLANEOUS MATTERS**

**B-1 KEYONA T. FOREMAN**

Keyona T. Foreman appeals the removal of her name from the (S9999D) eligible list for the title of Correction Officer Recruit, Department of Corrections on the basis of psychological unfitness.

**ACTION:**

**B-2 SAMUEL GBADEBO**

Samuel Gbadebo appeals the removal of his name from the (C2086D) eligible list for the title of Juvenile Detention Officer, County of Essex, on the basis of psychological unfitness.

**B-3 AMOS L. OSBORNE**

Amos L. Osborne, represented by Michael R. Hobbie, Esq., appeals his rejection as a Juvenile Detention Officer candidate by the County of Monmouth and its request to remove his name from the eligible list for Juvenile Detention Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

**ACTION:**

**B-4 JESSICA M. RIVERA**

Jessica M. Rivera appeals her rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove her name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

**ACTION:**

**B-5 LAWRENCE DUSKI**

Lawrence Duski, a Senior Correction Officer at South Woods State Prison, Department of Corrections, represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**



**B-6 JAMES FINGER**

James Finger, a Senior Correction Officer at South Woods State Prison, Department of Corrections, represented by Joseph A. Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-7 IRENE HART**

Irene Hart, an Instructor Counselor at New Lisbon Developmental Center, Department of Human Services, represented by Barbara M. Paul, Esq., appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-8 JERRY HEAD, ET AL.**

Jerry Head, Maria Rivera, Diego Garcia, Ralph Trainer, Leonardo Herrera, Richard LaFiura, Kenneth Rowe, represented by Henry J. Cistrelli, Esq., and Ruth Saffold, Senior Correction Officers with Northern State Prison, Department of Corrections, appeal the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-9 CHRISTINE JOHNSON**

Christine Johnson, an Investigator with the Office of the Public Defender, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-10 ANTHONY MINNUIES**

Anthony Minnuies, an Automotive Mechanic with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-11 GAY NICHOLSON**

Gay Nicholson, a Management Assistant with Greystone Park Psychiatric Hospital, Department of Human Services, represented by Benjamin Spivack, Staff Attorney, Communications Workers of America Local 1040, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-12 LENNON ROSS**

Lennon Ross, a Senior Correction Officer at Mountainview Youth Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-13 JULIA YINGST**

Julia Yingst, a Day Care Center Technician with the Office of Education, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:**

**B-14 KAMAL ABDELAZIME**

Kamal Abdelazime appeals the appointing authority's request to remove his name from the open competitive list for Family Service Specialist 2 (S6753F), Division of Youth and Family Services on the basis that he failed the qualifying oral communication examination.

**ACTION:**

**B-15 JOHN GRIFFITHS**

John Griffiths appeals the appointing authority's request to remove his name from the open competitive list for Family Service Specialist 2 (S6753F), Division of Youth and Family Services on the basis that he failed the qualifying oral communication examination.

**ACTION:**

**B-16 SEBASTIAN IKE**

Sebastian Ike appeals the appointing authority's request to remove his name from the open competitive list for Family Service Specialist 2 (S6753F), Division of Youth and Family Services on the basis that he failed the qualifying oral communication examination.

**ACTION:**

**B-17 MICHAEL KANC**

Michael Kanc appeals the decision of Human Resource Information Services (HRIS) which found that the Office of Information Technology (OIT) had presented a sufficient basis to remove his name from the eligible list for Manager 2, Information Processing (PS7874U), OIT, on the basis that he was not serving in the correct unit scope.

**ACTION:**

**B-18 LILLIAN FOSTER**

Lillian Foster appeals the decisions of Human Resource Information Services which upheld the removal of her name from the Right of Way Negotiator (S6736F) and Right of Way Negotiator Trainee (S6737F), Department of Transportation, eligible lists due to an unsatisfactory employment record.

**ACTION:**

**B-19 SENIOR BUDGET EXAMINER**

The City of Newark requests permission not to make an appointment from the certification for Senior Budget Examiner (M0808G), City of Newark.

**ACTION:**

**B-20 CARMEN CASTRO-ALEMAN**

Carmen Castro-Aleman, a Senior Claims Adjudicator Specialist (Disability Determinations) with the Department of Labor and Workforce Development (LWD), appeals the determination of the LWD that the appellant had failed to present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

**ACTION:**

**B-21 DANIEL FLAHERTY**

Daniel Flaherty, a Sergeant First Class with the New Jersey State Police, Department of Law and Public Safety, appeals the determination of the Deputy Chief of Staff of the Attorney General, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

**ACTION:**

**B-22 MAJORIE ACHEAMPONG**

Majorie Acheampong, a Senior Building Maintenance Worker with The College of New Jersey, requests a hearing regarding her resignation not in good standing effective March 4, 2005.

**ACTION:**

**B-23 TERRENCE SHEFFIELD**

Terrence Sheffield, represented by Anthony Iacullo, Esq., appeals his termination from employment as a County Correction Officer with the County of Essex.

**ACTION:**

**B-24 CHARLES NEWSOME**

Charles Newsome, a Senior Correction Officer with Northern State Prison, Department of Corrections (DOC), represented by Ciro A. Spina, III, Esq., seeks enforcement of the Merit System Board decision rendered on May 4, 2005 modifying his removal to a 90-day suspension and granting him back pay, benefits and seniority. The appointing authority, represented by Debra Kradjian-Stephans, DAG, requests reconsideration of the Board's May 4, 2005 decision.

**ACTION:**

**B-25 MICHAEL CALDERONE**

Michael Calderone requests reconsideration of the final administrative decision, rendered on February 23, 2005, which upheld the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Assistant Public Works Superintendent (PM0403F), Township of Saddle Brook.

**ACTION:**

**B-26 JOHN JOHNSON**

The appeal of John Johnson, a Truck Driver, Tandem Axle, with the Department of the Treasury, of his 15-day suspension on charges, was heard by Administrative Law Judge Anthony Bruno (ALJ), who rendered his initial decision on September 2, 2005. At its meeting on October 5, 2005, the Merit System Board did not adopt the ALJ's recommendation to modify the 15-day suspension to a five-day suspension. Rather, the Board determined that a 10-day suspension was warranted. The proposed final decision is now submitted for the Board's review.

**ACTION:**

**B-27 WILLIAM MCGINNIS**

The appeal of William McGinnis, a County Correction Officer with the County of Burlington, of two 10-day and 15-day suspensions, a 20-day suspension, and removal, effective April 26, 2005, on charges, was heard by Administrative Law Judge Anthony T. Bruno, who rendered his initial decision on August 1, 2005. At its meeting on October 5, 2005, the Merit System Board did not adopt the ALJ's recommendation to dismiss one of the 10-day suspensions and impose a fine of \$25 for one of the 15-day suspensions. Rather, the Board dismissed the appellant's appeal with regard to these attendance violations. Additionally, the Board adopted the recommendation of the ALJ to uphold the appellant's removal. The proposed final decision is now submitted for the Board's review.

**ACTION:****B-28 MANUEL OLIVEIRA**

The remand from the Superior Court, Appellate Division, of the appeal of Manuel A. Oliveira, a Senior Correction Officer with Northern State Prison, Department of Corrections, of his removal effective May 31, 2001, on charges was heard by Administrative Law Judge Robert J. Giordano (ALJ), who rendered his initial decision on August 19, 2005. At its meeting on October 5, 2005, the Board did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board modified the removal to a six-month suspension. The proposed decision is now submitted for the Board's review.

**ACTION:****B-29 DENISE ANGEL, ET AL.**

Denise Angel, Donna Keating, Kevin King, Nanci Patrizio, Judi Punzi, Steven Williams and Leonard Willis appeal the determinations of the Division of Selection Services that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Taxpayer Service Representative 2 (PS6001U), Department of the Treasury.

**ACTION:**

**B-30 TIFFANY BRANTLEY, ET AL.**

Tiffany Brantley, Antwuanete Brown, Kenneth Cook, and Robert Ortiz appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Investigator, Secured Facilities (PC0176G), Hudson County. John Geoghegan appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Investigator, Secured Facilities (PC0176G), Hudson County.

**ACTION:**

**B-31 DEBORAH COWELL AND ARNOLD SCHIFF**

Deborah Cowell and Arnold Schiff appeal the determination for the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Hazardous Site Mitigation Specialist 1 (PS5746G), Department of Environmental Protection.

**ACTION:**

**B-32 MAHESH DESAI, ET AL.**

Mahesh Desai, Eric Johnson, and Jayantilal Rana petition the Merit System Board for reconsideration of the decision rendered on April 6, 2005 (*In the Matter of Michael Carr, et al.*) which found that they did not meet the experience requirements for the promotional examination for Project Engineer, Materials (PS3427T), Department of Transportation.

**ACTION:**

**B-33 WILLIAM DONNELLY, ET AL.**

William Donnelly, Michele O'Rahilly and Benita Woods appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they were lacking the minimum requirements in experience for the promotional examination for Governmental Relations Specialist 3 (PS5614T), Motor Vehicle Commission.

**ACTION:**

**B-34 GLORIA EGEMBA**

Gloria Egemba appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 1 (PS5312I), East Jersey State Prison.

**ACTION:**

**B-35 JASON FABER, ET AL.**

Jason Faber, Bryan Ferlanti, Christopher Hoitsma, Peter Palmer, and Joseph Pomykala appeal the determination of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Public Works Repairer (PM1632F), Borough of Fair Lawn. Jacob Mamo appeals the determination of the Division of Selection Services which found that he was not employed in the announced unit scope for the promotional examination for Public Works Repairer (PM1632F), Borough of Fair Lawn. John Williams appeals the determination of the Division of Selection Services which found that he did not possess the required amount of permanent status for the promotional examination for Public Workers Repairer (PM1632F), Borough of Fair Lawn.

**ACTION:**

**B-36 VAL KAGAN**

Val Kagan appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Road Inspector (M6955G), Parsippany-Troy Hills.

**ACTION:**

**B-37 SCOTT C. LEONARD**

Scott C. Leonard appeals the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Electrician (PS6037E), Department of Military and Veterans Affairs.

**ACTION:**



**B-38 WANDA LOVE AND WILMA MENDOZA-LUCKENBACH**

Wanda Love and Wilma Mendoza-Luckenbach appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Supervisor of Accounts (PC0405G), Mercer County Board of Social Services.

**ACTION:**

**B-39 CATHLEEN L. MISAWIC**

Cathleen L. Misawic appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Senior Management Assistant (PS5286H), Department of Health and Senior Services.

**ACTION:**

**B-40 TINA PEIFER**

Tina Peifer appeals the determination of the Division of Selection Services that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Classification Officer 1 (PS4964I), Mountainview Youth Correctional Facility.

**ACTION:**

**B-41 MICHAEL ZACK**

Michael Zack appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Storekeeper 1 (PS2530G), Department of Environmental Protection.

**ACTION:**

**B-42 DARREN CLEARY, ET AL.**

Darren Cleary, Regina Gann, Diomedes Muniz, Lou Storer and Donna Van Pelt appeal their scores on the Truck Driver (PM1136F), Marlboro Township promotional examination.

**ACTION:**

**B-43 WILLIAM C. ERKMAN**

William C. Erkman, represented by Jonathan E. Diego, Esq., appeals his rank on the Fire Fighter (M2309E), City of Pleasantville, eligible list.

**ACTION:**

**B-44 OVESTON COX**

Oveston Cox appeals the test administration for the promotional examinations for Director of Custody Operations 1, Juvenile Justice Commission (PS2369P) and Director of Custody Operations 2, Juvenile Justice Commission (PS3020P).

**ACTION:**

**B-45 JUDITH MULDOON**

Judith Muldoon appeals the administration of the promotional examination for Quality Assurance Coordinator (PS3327K), Division of Youth and Family Services.

**ACTION:**

**B-46 TEQUANDA REID**

The Director, Division of Selection Services, on behalf of the Department of Corrections, requests relief in order to permit the promotion of Tequanda Reid, from the non-competitive title of Teaching Assistant, 12 Months, to the competitive title of Principal Clerk Typist.

**ACTION:**

**B-47 PROPOSED AMENDMENTS: N.J.A.C. 4A:2, APPEALS, DISCIPLINE AND SEPARATION**

Submitted for the Board's review is a Notice of Proposal regarding amendments to N.J.A.C. 4A:2, Appeals, Discipline and Separation. The amendments would bring the rules into alignment with current law and practice concerning the time frame for filing a petition for reconsideration and the ability of State employees to pursue other avenues for appealing major disciplinary action. The amendments would also clarify the situations in which minor disciplinary action is reviewable by the Merit System Board and clarify the rules governing indefinite suspensions in cases involving Pre-Trial Intervention and conditional discharge. Additionally, significant amendments to the rules pertaining to the calculation of back pay awards are proposed to comply with recent case law and to clarify the standards and burden of proof governing back pay disputes before the Merit System Board. It is recommended that the proposal be approved for publication in the New Jersey Register and on the Department's web site for public notice and comment.

**ACTION:****B-48 PROPOSED AMENDMENTS: N.J.A.C. 4A:5-1.1, VETERANS AND DISABLED PREFERENCE**

Submitted for the Board's review is a Notice of Proposal regarding amendments to N.J.A.C. 4A:5-1.1, Veterans and Disabled Veterans Preference. The amendment would conform the rule to P.L. 2005, c.64, which provides eligibility for merit system appointment purposes to certain persons who served during Operation Northern Watch and Operation Southern Watch. It is recommended that the proposal be approved for publication in the New Jersey Register and on the Department's web site for public notice and comment.

**ACTION:**

**B-49 PROPOSED NEW RULE: N.J.A.C. 4A:3-3.7A, POLICE ASSISTANT TITLE: LOCAL SERVICE; AND PROPOSED AMENDMENTS: N.J.A.C. 4A:4, SELECTION AND APPOINTMENT AND 4A:8, LAYOFFS**

Submitted for the Board's review is a Notice of Proposal regarding a proposed New Rule, N.J.A.C. 4A:3-3.7A (Police Assistant Title: Local Service) and proposed amendments to N.J.A.C. 4A:4 (Selection and Appointment) and 4A:8 (Layoffs). The proposed new rule and amendments would address changing DOP needs and practices regarding the examination process, appointments, retention of seniority, and the new local service title of Police Assistant, and would also reflect requirements ordered by the courts in such matters as make-ups and the certification process. It is recommended that the proposal be approved for publication in the New Jersey Register and on the Department's web site for public notice and comment.

**ACTION:****B-50 MERIT SYSTEM BOARD MINUTES**

The Merit System Board minutes of its meeting of October 5, 2005 are submitted for adoption.

**ACTION:**